

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAURA K and PHILLIP K, et al., :

-v- :

07 Civ. 10536 (WCC)

JANA RINALDO, et al :

**DEFENDANT RHONDA HEUMANN'S**  
**ANSWER TO THE CROSS CLAIM**

Defendant, **RHONDA HEUMANN** (improperly sued herein as "**RHONDA HUEMANN**") (hereinafter "Answering Defendant(s)) by and through counsel, LYNCH SCHWAB, PLLC, and AXINN VELTROP & HARKRIDER LLP as and for its Answer to the Cross Claims, allege upon information and belief as follows:

1. Denies each and every allegation raised in the Defendant(s) **BRIAN ROBBINS, ERIC FISHER, and ANNE FIZSIMMONS** Answer dated December 19, 2007, which are designated as cross claims against the Answering Defendant.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

2. This Court lacks jurisdiction over the answering defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

3. The cross claims alleged fail to state claims upon which relief may be granted.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

4. This Court lacks subject matter jurisdiction over the cross claims against the Answering Defendant.

**WHEREFORE**, the Answering Defendant demands judgment dismissing the Complaint of the Plaintiff(s) herein together with costs, disbursements and the expenses of this litigation, including attorneys' fees, and further demands judgment dismissing the cross claim(s) of the Defendants **BRIAN ROBBINS, ERIC FISHER, and ANNE FIZSIMMONS.**, together with costs, disbursements and expenses of this action, including attorneys' fees.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2008 I electronically filed with the Clerk of the Court, using the CM/ECF System, the following document(s):

Answer of the Defendant RHONDA HUEMANN to the Cross Claims raised by Defendant(s).

The CM/ECF System will provide service of such filing(s) to the following parties:

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Yours, etc.,

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